

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

- - - - -

THE DEPOSITION OF STEVE

BUTLER, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 26th day of April, 2007, in the City of
West Siloam Springs, County of Delaware, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Mr. Richard Garren
Attorney at Law
502 West 6th Street
Tulsa, OK 74119
-and-
Mr. Louis W. Bullock
Attorney at Law
222 South Kenosha
Tulsa, OK 74120

FOR TYSON FOODS:

Mr. Robert George
Attorney at Law
The Three Sisters Bldg.
214 West Dickson Street
Fayetteville, AR 72701

FOR CARGILL:

Mr. John Tucker
Attorney at Law
100 West 5th Street
Suite 400
Tulsa, OK 74103

FOR SIMMONS FOODS:

Mr. John Elrod
Attorney at Law
211 East Dickson Street
Fayetteville, AR 72701

FOR PETERSON FARMS:

Mr. Philip D. Hixon
Attorney at Law
1717 South Boulder
Suite 200
Tulsa, OK 74119

FOR POULTRY PARTNERS:

Mr. D. Kenyon Williams
Attorney at Law
320 South Boston
Suite 400
Tulsa, OK 74103

1 FOR GEORGE'S: Ms. Jennifer Lloyd
2 Attorney at Law
3 221 North College
Fayetteville, AR 72701

4 ALSO PRESENT: Ms. Elizabeth Bullock

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W I T N E S S	P A G E
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1 (Whereupon, the deposition began at
2 9:05 a.m.)

3 STEVE BUTLER
4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GARREN:

9 Q Mr. Butler, my name is Richard Garren. I'm
10 here representing the State of Oklahoma and I have a 09:05AM
11 few preparatory questions. Have you ever given a
12 deposition before?

13 A No, sir.

14 Q Okay. It's really pretty simple. I'm going
15 to be asking the questions and it's going to be your 09:05AM
16 responsibility to answer those as best you can.

17 Probably the first rule you need to use is that you
18 would answer verbally so that Lisa, our court
19 reporter, can take those responses down and get them
20 correct. It's all too easy for us in conversation 09:06AM

21 to get used to nodding our head or saying uh-huh or
22 huh-uh. Those don't come across good, and so that
23 we have a good Record, I'd ask you to respond yes or
24 no and refrain from nodding your head when
25 necessary. Okay? 09:06AM

1 your knowledge to ship that litter out of the
2 watershed?

3 A No.

4 Q So is that an instance, sir, where you believe
5 you've gone above and beyond requirements of
6 Oklahoma law?

04:07PM

7 MR. GARREN: Objection to the form.

8 A Yes. I believe we've gone above and beyond.

9 Q You were asked some questions. I don't know
10 if you still have Exhibit No. 9 in front of you,

04:07PM

11 which is the animal waste management plan or at
12 least the first page of various animal waste

13 management plans. Do you see in -- the first

14 paragraph of these are all the same. Do you see

15 down about six lines down the sentence that begins

04:08PM

16 with the law requires?

17 A Yes.

18 Q Just for the Record that sentence reads, the
19 law requires that the Natural Resource Conservation
20 Service recommendations for litter application rates

04:08PM

21 be followed. You're familiar with the NRCS?

22 A I am.

23 Q And if you go on and read that paragraph, it's
24 telling you -- this animal waste management plan is
25 telling you what that law would require in terms of

04:08PM

1 application rates for litter?

2 A That's correct.

3 Q Do I understand correctly that this animal

4 waste management plan is prepared by someone at

5 ODAFF?

04:08PM

6 A This particular one here was a contractor that

7 ODAFF hired and I can't remember his name.

8 Q Okay, and you have to submit this animal waste

9 management plan to the Oklahoma Department of Ag; is

10 that right?

04:09PM

11 A Yes, during the yearly inspection by my state

12 inspector.

13 Q And we don't have the entire plan here, but I

14 assume if we had them all and we read all of the

15 animal waste management plans, that those plans

04:09PM

16 would tell you that to the extent you wanted to put

17 down litter on your property, here's what you are

18 allowed to do; is that right?

19 MR. GARREN: Object to the form.

20 A On mine, without having it in front of me, I'm

04:09PM

21 not sure it would say that because I haven't taken

22 soil tests.

23 Q Okay.

24 A I'd have to take soil tests before I could

25 spread on my land.

04:09PM